

REMARKS/ARGUMENTS

In the Final Office Action notified on August 5, 2009, claims 1, 3 and 5-13 are rejected. However, Applicants hereby request reconsideration of the application in view of the below-provided remarks.

As a preliminary matter, Applicants respectfully note that the present Office Action did not address each limitation of independent claim 1, in particular the claimed limitation of “*said protection data is only modifiable so as to increase said protection level*” (emphasis added). “All words in a claim must be considered in judging the patentability of that claim against the prior art.” *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). Therefore, Applicants respectfully submit that the finality of the present Office Action is premature. Accordingly, Applicants respectfully request that the finality of the present Office Action be withdrawn.

Claim Rejections under 35 U.S.C. 102 and 35 U.S.C. 103

Claims 1, 3 and 5-12 are rejected under 35 U.S.C. 102(e) as allegedly being anticipated by Moller et al. (U.S. Pat. Pub. No. 2003/0014653, hereinafter “Moller”). Claim 13 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Moller in view of Boyle et al. (U.S. Pat. No. 6,118,870, hereinafter “Boyle”). However, Applicants respectfully submit that the pending claims are neither anticipated by Moller nor obvious over Moller in view of Boyle for the reasons provided below.

Independent Claim 1

Applicants respectfully assert that Moller fails to disclose that “*said protection data is only modifiable so as to increase said protection level*,” (emphasis added), as recited in claim 1. Thus, Applicants respectfully assert that claim 1 is not anticipated by Moller.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal*

Bros. v. Union Oil of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

The Final Office Action states that “Moller describes the protection data (Key 1, Key 2) which are passwords which must be present for the decryption of the protected data.” (See the section “Response to Arguments” on page 2 of the Final Office Action). Additionally, the Final Office Action states that “the protection data is (Key 1, Key 2) for protecting access to the data.” (See also the section “Response to Arguments” on page 2 of the Final Office Action). However, Applicants respectfully assert that Moller fails to disclose that the passwords are “only modifiable so as to increase said protection level,” (emphasis added), as recited in claim 1.

Moller discloses that during reprogramming, an existing password for decryption of received data is replaced by a new password in the second and third memory blocks (5), (6). (See Fig. 1 and paragraph [0025] of Moller). Moller also discloses that memory blocks (4), (5), (6) are associated with the second memory portion (3) so that a change of the access authorization or the password is possible by reprogramming or updating. (See paragraph [0027] of Moller). That is, Moller discloses that the passwords can be replaced. However, Moller does not disclose that these passwords are “only modifiable so as to increase said protection level,” (emphasis added), as recited in claim 1. Thus, Applicants respectfully assert that Moller fails to disclose the limitation of “said protection data is only modifiable so as to increase said protection level,” (emphasis added), as recited in claim 1. As such, Applicants respectfully assert that Moller fails to disclose all of the limitations of claim 1. Therefore, Applicants respectfully assert that claim 1 is not anticipated by Moller and is in condition for allowance.

Dependent Claims 3, 5-8, 12 and 13

Claims 3, 5-8, 12 and 13 depend from and incorporate all of the limitations of independent claim 1. Thus, Applicants respectfully assert that claims 3, 5-8, 12 and 13 are allowable at least based on an allowable claim 1.

Independent Claim 9

Claim 9 includes similar limitations to claim 1. Because of the similarities between claim 9 and claim 1, Applicants respectfully assert that the remarks provided above with regard to claim 1 apply also to claim 9. Accordingly, Applicants respectfully assert that claim 9 is also not anticipated by Moller and is in condition for allowance.

Dependent Claim 10

Claim 10 depends from and incorporates all of the limitations of independent claim 9. Thus, Applicants respectfully assert that claim 10 is allowable at least based on an allowable claim 9.

Independent Claim 11

Claim 11 includes similar limitations to claim 1. Because of the similarities between claim 11 and claim 1, Applicants respectfully assert that the remarks provided above with regard to claim 1 apply also to claim 11. Accordingly, Applicants respectfully assert that claim 11 is also not anticipated by Moller and is in condition for allowance.

CONCLUSION

Applicants respectfully request reconsideration of the claims in view of the remarks made herein. A notice of allowance is earnestly solicited.

Respectfully submitted,

Desmicht et al

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By: /thomas h. ham/

Thomas H. Ham

Reg. No. 43,654

Wilson & Ham

PMB: 348

2530 Berryessa Road

San Jose, CA 95132

Phone: (925) 249-1300

Fax: (925) 249-0111